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| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER 20518/51 (S-8500) 10/536545 US APPLICATION NO. (if known, see 37 CFR 1.5) |
| INTERNATIONAL APPLICATION NO. PCT/US2004/027011 | INTERNATIONAL FILING DATE 20 August 2004 | PRIORITY DATE CLAIMED 21 August 2003 |
| TITLE OF INVENTION SURGICAL INSTRUMENT | | |
| APPLICANT(S) FOR DO/EO/US SALVADORI, Larry; GOUR, Lee; and KERBER, Martin W. | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)) a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (unexecuted, 4 pgs) 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). | | |
| Items 11 to 20 below concern document(s) or information included: | | |
| 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: Article 34 Amendment as filed on 17 March 2005 Letter Notifying the PCT of a Correction of Applicant's Name (92 bis) | | |

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JC20 Rec'd RCT/PTO

8 MAY 2008

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| U.S. APPLICATION NO. (if known, see 37 CFR 1.101) 10/536545 | | INTERNATIONAL APPLICATION NO. PCT/US2004/027011 | | ATTORNEY'S DOCKET NUMBER 20518/51 (S-8500) | |
| The following fees are submitted: | | | | CALCULATIONS | PTO USE ONLY |
| 21. <input checked="" type="checkbox"/> Basic national fee \$300 | | | | \$ \$300.00 | |
| 22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). \$100 All other situations. \$200 | | | | \$ \$200.00 | |
| 23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared and provided to the Office \$400 All other situations. \$500 | | | | \$ \$500.00 | |
| TOTAL OF 21, 22 and 23 = | | | | \$ \$1,000.00 | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE | | |
| - 100 = | 0 /50 = | 0 | x \$250.00 | \$ \$0.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | 20 - 20 = | 0 | x \$50.00 | \$ \$0.00 | |
| Independent claims | 2 - 3 = | 0 | x \$200.00 | \$ \$0.00 | |
| Multiple Dependent Claims (if applicable) <input type="checkbox"/> | | | + \$360.00 | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ \$1,000.00 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ \$0.00 | |
| SUBTOTAL = | | | | \$ \$1,000.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ \$1,000.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per | | | | + | \$ |
| TOTAL FEES ENCLOSED = | | | | \$ \$1,000.00 | |
| | | | | Amount to be refunded: | \$ |
| | | | | Amount to be charged: | \$ |
| <p>a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account <u>500369</u> in the amount of <u>\$1,000.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>500369</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> | | | | | |
| <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> | | | | | |
| <p>SEND ALL CORRESPONDENCE TO:</p> <p>Mark S. Leonardo, Esq. Brown Rudnick Berlack Israels LLP One Financial Center Boston, MA 02111 Tel: (617) 856-8145 Fax: (617) 856-8201 Customer No. <u>21710</u></p> | | | | | |
| | | | | <p> SIGNATURE</p> <p>Mark S. Leonardo NAME</p> <p>41,433 REGISTRATION NUMBER</p> | |

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|---|------------------------------------|---------------------------------------|--|
| CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s) Salvadori et al. | | | Docket No. 20518/51 (S-8500) |
| Serial No. To Be Assigned | Filing Date HEREWITH | Examiner To Be Assigned | Group Art Unit To Be Assigned |

Invention:

SURGICAL INSTRUMENT

I hereby certify that this **U.S. 371 NATIONAL STAGE** application consisting of:

- 2 pgs Application Transmittal papers and 1 copy
- 4 pgs. Unexecuted Declaration and Power of Attorney
- 5 pgs Article 34 Amendment
- 2 pgs Letter Notifying the PCT of a Correction of Applicant's Name (92 bis)
- \$1000.00** filing fee (**CHARGE TO DEPOSIT ACCOUNT 50-0369**)
- Acknowledgement Postcard
- 16** Total pages submitted
(includes Certificate of Express Mail)

is being deposited with the United States Post Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope to: Mail Stop PCT, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on May 26, 2005
(Date)

Michelle A. Aiello
(Typed or Printed Name of Person Mailing Correspondence)

Michelle A. Aiello
(Signature of Person Mailing Correspondence)

EV 593582097 US
("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

10/536545

PCT/US2004/027011

Atty Docket No. 20518/51-PCT (S-8500-WO)

JC20 Rec'd PCT/PTO 2 6 MAY 2005

IN THE PCT

APPLICANT: TYCO HEALTHCARE GROUP LP et al.

INVENTOR(S): SALVADORI ET AL.

INTERNATIONAL APPLICATION NUMBER: PCT/US2004/027011

INTERNATIONAL FILING DATE: 20 August 2004 (20.08.2004)

PRIORITY DATE: 21 August 2003 (21.08.2003)

TITLE: SURGICAL INSTRUMENT

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date shown below addressed to: MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Express Mail No.: EV 593582432 US

By:

Michelle A. Aiello

Date

7 April 2005

MAIL STOP PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**LETTER NOTIFYING THE PCT OF A CORRECTION
OF APPLICANT'S NAME, (92 bis)**

The undersigned appointed representative for Applicants hereby notifies the PCT Office of:

(a) the correction of the first Applicant's name is: TYCO HEALTHCARE GROUP LP and not TYCO HEALTHCARE GROUP LLP. A copy of the first page of the PCT Request form is attached.

Please record these changes and notify all offices and PCT authorities interested in this change accordingly.

10/536545

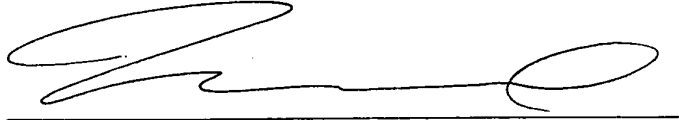
PCT/US2004/027011

Atty Doc 1355215 v1 - LEONARMS - 020518/0051
2005 Rec'd PCT/PTO 28 MAY 2005

It is believed that no fee is due to effect these changes. Please contact Applicant's undersigned agent should there be any questions.

Respectfully submitted,

BROWN RUDNICK BERLACK ISRAELS, LLP



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Dated: APRIL 6, 2005